

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:
EDUCATIONAL SERVICES & PRODUCTS, LLC,

Debtor(s).

EDUCATIONAL SERVICES & PRODUCTS, LLC,

Plaintiff(s),

v.

FIFTH THIRD BANK,

Defendant(s).

RECEIVED & FILED

JUL 1 - 2008

OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY

Chapter 11

Case No. 08-11400

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JUL 1 - 2008

Adv. Proc. No. 08-90074

OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY


SUA SPONTE ORDER

Upon the notice of motion and motion filed on June 10, 2008, by Educational Services & Products, Inc., the Debtor/Plaintiff, pursuant to Federal Rule of Bankruptcy Procedure 7056 for an order granting summary judgment in its favor and against the Defendant, and a hearing having been set for July 2, 2008 at 10:30 a.m., and the Debtor/Plaintiff having failed to file a concise statement of the material facts as to which the moving party contends there is no genuine issue pursuant to Local Bankruptcy Rule 7056-1, and due deliberation having been had, it is hereby

ORDERED, that the motion of the Debtor/Plaintiff for summary judgment is denied, without prejudice, for failure to comply with the provisions of Local Bankruptcy Rule 7056-1; and it is further

ORDERED, that no hearing will be held on July 2, 2008.

Dated: July 1, 2008
Albany, New York


Hon. Robert E. Littlefield, Jr.
U.S. Bankruptcy Judge